

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Patrick Dawson BAILEY

Atty. Ref.: 39-326; Confirmation No. 7738

Appl. No. 10/585,864

TC/A.U. 1654

Filed: July 11, 2006

Examiner: Niebauer

For: DRUG DELIVERY SYSTEM

\* \* \* \* \*

April 13, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Official Action dated January 21, 2009, and supplemental to the Amendment filed November 5, 2008, the applicants further specify, for purposes of initial examination and without prejudice, that the compound of formula (I) of claim 8, wherein R<sup>2</sup>, R<sup>3</sup> and R<sup>5</sup> are hydrogen, R<sup>1</sup> is methyl, and R<sup>4</sup> is CH<sub>2</sub>COOH, and X is a hydroxyl group, and the drug Lorazepam, of the elected species, are conjugated through an ester linkage (i.e., the drug is conjugated to the COOH side-chain group on the aspartic acid residue (residue 2) of the elected carrier).

Claims 1-21, 23-25, 27-32, 40 and 41 are believed to read on the elected species.

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

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Response  
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An early and favorable Action on the merits is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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